

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1 and 14 have been amended. Support for these amendments can be found at least in the specification on page 12, lines 21-25, page 47, lines 1-4, page 50, lines 18-24, and page 52, lines 12-23. No new matter has been added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-22 are now pending in this application.

***Rejections under 35 U.S.C. § 103***

Claims 1-6 and 8-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,751,454 to Thornton (“Thornton”) in view of U.S. Publication 2003/0233278 to Marshall (“Marshall”). Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Thornton in view of U.S. Publication 2005/0046584 to Breed (“Breed”). Applicants respectfully traverse these rejections for at least the following reasons.

As an initial matter, the Office Action states on page 10: “Applicant’s arguments with respect to claims 1-22 have been considered but are moot in view of the new grounds of rejection.” Applicants note, however, that while the references applied are combined in different ways from that of the previous Office Action, the same group of references is applied. Thus, many of applicants arguments still apply and are provided below.

Furthermore, applicants respectfully request the Patent Office to specifically address applicants arguments in the next communication from the Patent Office.

Independent claim 1, as amended, recites “(III) a step of the service providing server requesting from the first terminal device a fee for the transmission of the modification command for modifying the predetermined parameter, in a case where the service providing server transmits, to the first terminal device, the modification command for modifying the predetermined parameter” and “the communication network constituting, in step (III), at least a part of a channel of communication between the service providing server and the first terminal device.” Thornton and Marshall fail to disclose either of these features of claim 1 in the context of that claim.

Thornton discloses a system including a wireless communications device (WCD) 32, interactive voice response (IVR) server 22 and WWW server 12 (See Figure 1). Using the system, a wireless consumer may choose to purchase music in the form of a CD, LP, cassette, or mini disk (col. 9, lines 9-21). Prior to purchase, a consumer may choose to listen to an audio item. Once a consumer selects to listen to an audio item, the WWW server instructs the wireless device to terminate the data mode connection, and the IVR server is connected to the wireless device (col. 7, lines 14-28).

In contrast to claim 1, however, neither Thornton nor Marshall disclose “the communication network constituting, in step (III), at least a part of a channel of communication between the service providing server and the first terminal device.” Neither Thornton nor Marshall disclose or suggest that a requesting step is performed, as in claim 1, with the use of a communication network constituting at least a part of a channel of communication between the service providing server and the first terminal device. Thus, even if Thornton and Marshall were combined, the result would not have all the features of claim 1.

Moreover, Thornton and Marshall also fail to suggest the feature in claim 1 of “(III) a step of the service providing server requesting from the first terminal device a fee for the transmission of the modification command for modifying the predetermined parameter, in a case where the service providing server transmits, to the first terminal device, the modification command for modifying the predetermined parameter.” Thornton does not disclose either of its WWW server or its IVR server requesting a fee from the wireless device for the transmission of a modification command for modifying a predetermined parameter determining an operation of the wireless device, in a case where the server transmits, to the wireless device, the modification command for modifying the predetermined parameter. It is unclear if the servers of Thornton request a fee from the wireless device for the purchase of music such as a CD, LP, etc, but even if the servers request such a fee, the fee is not for a modification command that is sent to the wireless device from the servers. Moreover, while the WWW server instructs the wireless device to terminate a data mode connection when a consumer selects to listen to an audio item, and the IVR server is then connected to the wireless device, Thornton does not disclose requesting any fee for merely selecting to listen to an audio item. Thus, even if the WWW server’s instruction to the wireless device to terminate the data mode could be considered to be the transmission of a modification command, Thornton does not disclose the server requesting a fee for such a transmission.

Marshall does not cure the deficiencies of Thornton. Marshall merely discloses in paragraph [0037] that companies may request fees for services. Marshall, however, does not suggest that Thornton be modified such that a service providing server requests from a first terminal device a fee for the transmission of the modification command for modifying a predetermined parameter, in a case where the service providing server transmits, to the first terminal device, the modification command. If there is any fee request in Thornton, it would be a fee to the wireless device for the purchase of music such as a CD, LP, etc. In this case, even if the servers charge such a fee, the fee is not for a modification command that is sent to the wireless device from the servers. It is further noted that Thornton teaches away from requesting any fee from a user for merely selecting to listen to an audio item. The Thornton system allows a user to select to listen to an audio item as a way of enticing the user to

purchase a CD or LP with the music, and thus charging to allow a user to select to listen to an audio item would be contrary to Thornton system.

Thornton and Marshall also fail to suggest all the features of independent claim 14.

Claim 14 recites “the communication network constituting, in step (III), at least a part of a channel of communication between the service providing server and one of the first terminal device and the second terminal device.” By contrast, Thornton and Marshall do not disclose or suggest a service providing server that transmits, to a first terminal device which is different from a second terminal device, a modification command requested by the second terminal device as in claim 14.

Moreover, Claim 14 recites “(III) a step of the service providing server requesting from one of the first terminal device and the second terminal device a fee for the transmission of the modification command for modifying the predetermined parameter, in a case where the service providing server transmits, to the first terminal device, the modification command for modifying the predetermined parameter.” Thornton does not suggest any request of a fee from one of a first terminal device and a second terminal device for the transmission of a modification command for modifying a predetermined parameter as in claim 14, and one skilled in the art would not have modified Thornton to do so for reasons analogous to those discussed above with respect to claim 1.

Moreover, Claim 14 recites “(I) a modification request accepting step of receiving a modification request from the second terminal device, the modification request requesting to transmit, to the first terminal device, a modification command for modifying a predetermined parameter determining an operation of the first terminal device; (II) a modification command transmitting step of generating the modification command in accordance with the modification request, and then transmitting the modification command to the first terminal

device.” Thus in claim 14, a modification command is generated in accordance with the modification request from a second terminal device to transmit a modification command to a first terminal device, and then the modification command is transmitted to the first terminal device. While Thornton discloses in Figure 2 a system with a number of WCDs 32, in contrast to claim 14, nowhere does Thornton disclose that a modification command is generated in accordance with a modification request from a second of the WCDs to transmit a modification command to a first of the WCDs, and then the modification command is transmitted to the first WCD. Marshall also fails to suggest this feature, and thus even if combined, with Thornton, the result would not include such a feature.

Breed was cited for other features of the claims, but does not cure the deficiencies of Thornton and Marshall.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein. For example, dependent claim 3, which ultimately depends from claim 1, includes features similar to claim 14 as discussed above, and is patentable for analogous reasons.

As another example, dependent claim 6 recites “the first terminal device is an in-vehicle terminal device provided in an automobile owned by the user, and the predetermined parameter is a parameter determining an operation of the in-vehicle terminal device in a vehicle-antitheft system.” The Office Action relies on Marshall in paragraph [0116] for allegedly disclosing a vehicle-antitheft system. Marshall in paragraph [0116], however, merely discloses an ID theft protection program, and has nothing to do with a vehicle-antitheft system. Moreover, the Office Action provides no reasons as to why one skilled in the art would modify the system of Thornton, which is directed to a system which allows a user to listen to and purchase music, to include a vehicle-antitheft system.

As another example, dependent claim 7 recites “the predetermined parameter is a parameter identifying a type of intimidation action and/or reporting action to be carried out when a sensor provided in the automobile detects an abnormal situation.” The Office Action provides no reasons as to why one skilled in the art would modify the system of Thornton, which is directed to a system which allows a user to listen to and purchase music, to include a sensor provided in an automobile which detects an abnormal situation.

As another example, dependent claim 16 recites “in the step (III), it is judged whether the modification request received from the second terminal device is valid with reference to a combination-table specifying, in advance, whether or not each combination of the parameters of the first terminal device is permitted.” The Office Action refers to Thornton at col. 9, lines 8-21 as disclosing this feature. The cited section of Thornton, however, merely discloses details of a wireless consumer purchasing music, but does not disclose any “combination-table specifying, in advance, whether or not each combination of the parameters of the first terminal device is permitted” as in claim 16.

As another example, dependent claim 17 recites a “history recording step of storing, in a history information database, a content of a parameter setting when transmitting the modification command to the first terminal device.” The Office Action refers to Thornton at col. 10, lines 27-40 as disclosing this feature. The cited section of Thornton, however, merely discloses a computer system with a memory, but does not disclose that the memory records any “step of storing, in a history information database, a content of a parameter setting when transmitting the modification command to the first terminal device”, as recited in claim 17, nor is such storage inherent.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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